

CITY BOARD OF ZONING APPEAL #05006

DATE: March 17, 2005

DATE SCHEDULED FOR PUBLIC HEARING: March 25, 2005

LOCATION: Generally located at S. 70th and La Salle Streets.

ADDRESS: 6961 La Salle Street.

LEGAL DESCRIPTION: See attached.

APPLICANT: Better Living Patio Homes
10908 Emiline Street
LaVista, NE 68128
(402) 592-7664
(402) 740-1166

Kevin and Barbara Donahoo
6961 La Salle Street

LOT AREA: 0.25 acres, more or less.

ZONING: R-1, Residential.

EXISTING LAND USE: Residential.

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-1
South:	Residential	R-1
East:	Residential	R-1
West:	Residential	R-1

TYPE OF APPEAL:

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO A VARIANCE.

Section 27.71.170(a), L.M.C. requires a front yard setback of 41.16 feet. A variance from 41.16' to 36.7' is requested.

STAFF FINDINGS:

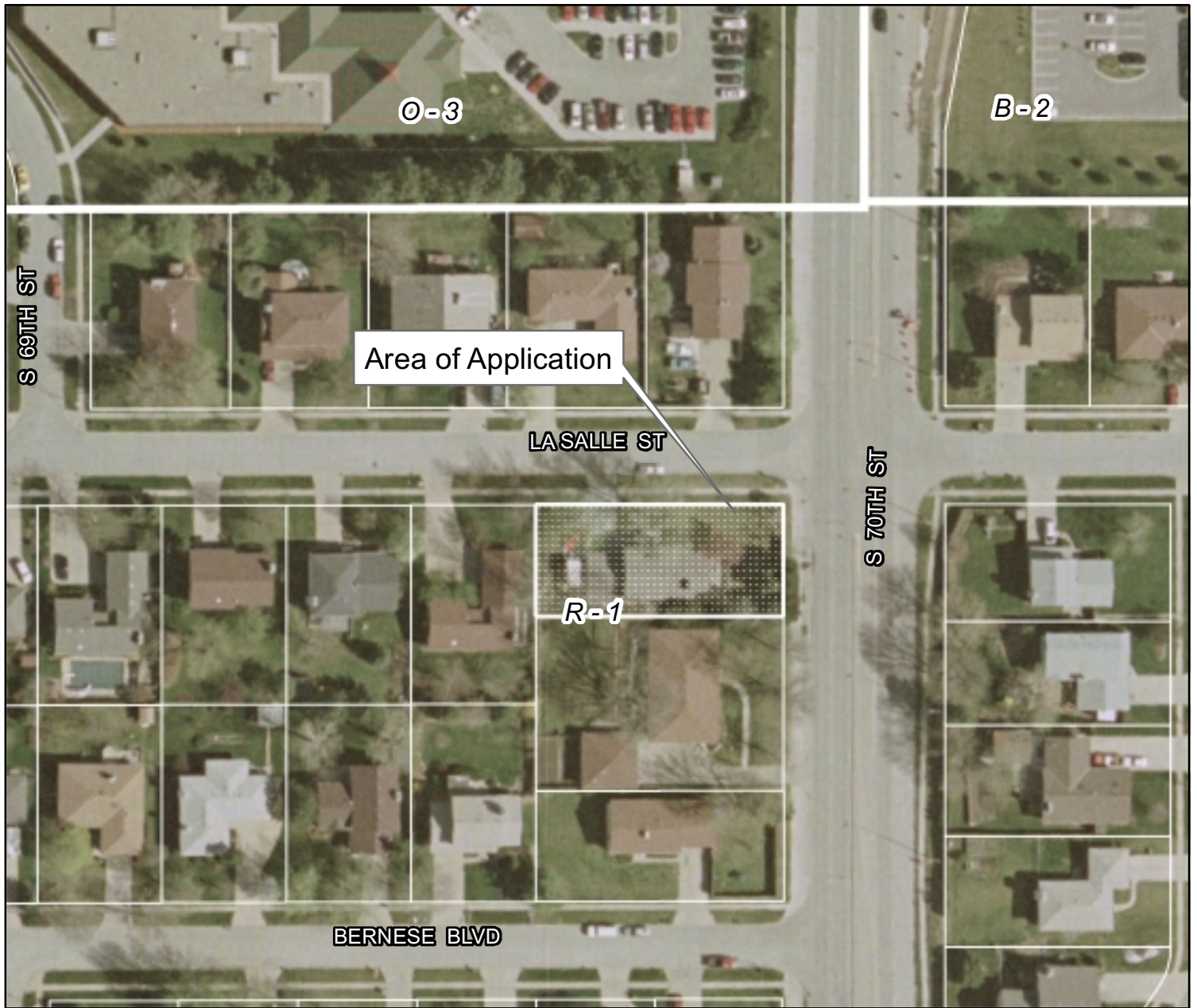
1. This is a request to reduce the front yard setback to add a patio room onto the existing house.
2. The lot is a corner lot on La Salle and 70th Streets, both of which require a front yard setback according to the Zoning Ordinance. This lot is an Irregular Tract,

meaning it was never part of a subdivision or final plat process. The existing house was built in 1978.

3. Section 27.71.170, Adjustment of Front Yard Requirements, states
“The front yards located within the same zoning district may be adjusted in the hereinafter stated circumstances. This section shall not apply to the R-3, O-3, B-2, B-5, H-4, and I-3 zoning districts.
(a) Where any forty percent (40%) or more of the frontage in the same zoning district is developed with two or more main buildings that have (with a variation of five feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the greater of the front yards established by the existing main building nearest the street line.
(b) Where any forty percent (40%) or more of the frontage in the same zoning district is developed with two or more buildings that have a front yard of less depth than herein required, then:
(1) Where a building is to be erected on a parcel of land that is within 100 feet of existing main buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent main building on each side; or
(2) Where a building is to be erected on a parcel of land that is within 100 feet of an existing main building on one side only, such building may be erected as close to the street as the existing adjacent main building.”
4. The typical front yard setback for the R-1 district is 30', however since the properties in this area meet the definition of the adjusted front yard setback as indicated previously, the Building and Safety Department calculated a required adjusted front yard setback of 41.16'.
5. The lot is typical of other lots with no drastic grade changes nor an atypical lot configuration.
6. The Board of Zoning Appeals is empowered to grant variances “to the extent necessary to permit the owner a reasonable use of the land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned.”
7. If this appeal were not granted, an expansion could be added, provided the adjusted front yard setback is preserved.

Prepared by

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Planner



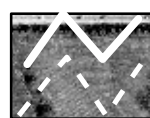
2002 aerial

Board of Zoning Appeals #05006 6961 La Salle St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 9 T9N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction

